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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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UNITED STATES OF AMERICA

§

*versus*

§

JAMES ALVIN GODFREY

§

CASE NO. 1:09-CR-158(1)

§

**MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court referred this matter to the United States Magistrate Judge Keith F. Giblin for consideration of the defendant's Motion to Dismiss under Rule 48 and for Brady Violation (#103). Judge Giblin issued a report and recommendation on the motion. The magistrate judge recommended that the Court deny or strike the motion to dismiss because the defendant filed the motion *pro se* and he is not entitled to hybrid representation.

The parties have not objected to the magistrate judge's report. The Court accepts the findings in the report and recommendation. The Court ORDERS that Judge Giblin's report (#117) is adopted. The Court further ORDERS that the defendant's motion to dismiss (#103) is STRICKEN from the record. The Court admonishes defendant that further *pro se* filings while he is represented by counsel may be met with sanctions.

SIGNED at Beaumont, Texas, this 1st day of September, 2010.

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE